

b. By no later than 120 days after the Entry Date, ExxonMobil shall complete the development of standard operating procedures (where they do not already exist) for all control devices and treatment processes used to comply with the Benzene Waste NESHAP at each Covered Refinery. By no later than 180 days after the Entry Date, ExxonMobil shall complete an initial training program regarding these procedures for all operators assigned to the relevant equipment. Comparable training shall also be provided to any persons who subsequently become operators, prior to their assumption of this duty. "Refresher" training in these procedures shall be performed on a three-year cycle (i.e., once every three calendar years).

c. ExxonMobil shall assure that the employees of any contractors hired to perform any of the requirements of this Subsection V.N are properly trained to implement such requirements that they are hired to perform, as under Subparagraphs 106.a-106.c.

107. Waste/Slop/Off-Spec Oil Management.

a. Schematics. By no later than 120 days after the Entry Date, ExxonMobil shall submit to the EPA and the Applicable Co-Plaintiff schematics for each Covered Refinery that: (i) depict the waste management units (including sewers) that handle, store, and transfer waste/slop/off-spec oil streams; (ii) identify the control status of each waste management unit; and (iii) show how such oil is transferred within the Refinery. Representatives from ExxonMobil and EPA thereafter may confer about the appropriate characterization of each waste/slop/off-spec oil streams and the necessary controls, if any, for the waste management units handling such oil streams, for purposes of the Covered Refinery's TAB calculation and compliance with the applicable compliance option. If requested by EPA, ExxonMobil shall promptly submit revised schematics that reflect the Parties' agreements regarding the characterization of these oil streams and the appropriate control standards. ExxonMobil shall

use these schematics in preparing the BWON Sampling Plans required under Paragraphs 108 and 109.

b. Non-Aqueous Benzene Waste Streams. All waste management units handling non-exempt, non-aqueous benzene wastes, as defined in Subpart FF, shall meet the applicable control standards of Subpart FF.

c. Aqueous Benzene Waste Streams. For purposes of calculating each Covered Refinery's TAB pursuant to the requirements of 40 C.F.R. § 61.342(a), ExxonMobil shall include all waste/slop/off-spec oil streams that become "aqueous" until such streams are recycled to a process or put into a process feed tank (unless the tank is used primarily for the storage of wastes). Appropriate adjustments will be made to such calculations to avoid the double-counting of benzene. For purposes of complying with the applicable compliance option, all waste management units handling benzene waste streams will either meet the applicable control standards of Subpart FF or will have their uncontrolled benzene quantity count toward the applicable limit under the 2 Mg Compliance Option or the 6 BQ Compliance Option.

108. Sampling Under the 6 BQ Compliance Option. ExxonMobil shall conduct quarterly sampling as described by this Paragraph at the Baytown, Billings, Joliet and Torrance Refineries for the purpose of calculating quarterly, uncontrolled benzene quantities.

a. By no later than 180 days after the Entry Date, ExxonMobil shall submit to EPA for approval a sampling plan for each such Refinery designed to identify the quarterly benzene quantity in uncontrolled benzene waste streams, including waste/slop/off-spec oil. That sampling plan (the "BWON Sampling Plan") shall include, but need not be limited to:

(i) proposed sampling locations and methods for flow calculations at the "end of line" of uncontrolled benzene waste streams; (ii) a simplified flow diagram that identifies significant,

uncontrolled benzene waste streams that feed into each proposed sampling location;

(iii) proposed quarterly sampling, at the “point of waste generation,” of each waste stream that contributes 0.05 Mg/yr or more to the Refinery’s benzene quantity; and (iv) quarterly sampling at all “end of line” and point of waste generation locations identified in Subparagraphs 108.a.(i) and 108.a.(iii). The BWON Sampling Plans may identify commingled, exempt waste streams for sampling, provided ExxonMobil demonstrates that the benzene quantity of those commingled streams will not be underestimated. Additionally, waste streams that are non-aqueous at their point of generation and do not become aqueous thereafter shall not be included in the BWON Sampling Plans.

b. If changes in processes, operations, or other factors lead ExxonMobil to conclude that its approved BWON Sampling Plan no longer provides an accurate measure of the Refinery’s quarterly benzene quantity in uncontrolled benzene waste streams, ExxonMobil shall submit a revised BWON Sampling Plan to EPA for approval.

c. ExxonMobil shall commence sampling under its BWON Sampling Plan during the first full calendar quarter following submittal of the Plan, regardless of whether or not the Plan is approved at that time. ExxonMobil shall take, and have analyzed, at least three representative samples from each identified sampling location. ExxonMobil shall use the average of all samples taken and the identified flow calculations to determine its quarterly benzene quantity in uncontrolled waste streams and to estimate a calendar year value for the Refinery.

109. **Sampling Under the 2 Mg Compliance Option.** ExxonMobil shall conduct quarterly sampling as described by this Paragraph at the Baton Rouge and Beaumont Refineries for the purpose of calculating quarterly, uncontrolled benzene quantities